

February 5, 2024

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #: _____
DATE FILED: <u>2/6/2024</u>

Via ECF

Judge Jennifer H. Rearden
 Daniel Patrick Moynihan
 United States Courthouse
 500 Pearl St.
 New York, NY 10007-1312

MEMO ENDORSED**Joint Letter Motion in Support of Proposed Stipulation**

Re: *Siemens Industry, Inc. v. Great Midwest Insurance Company*
 No. 23-cv-05046-JHR

Dear Judge Rearden:

Pursuant to Rule 5.J of the Court's Individual Rules of Practice, plaintiff/counterclaim defendant Siemens Industry, Inc. ("Siemens") and defendant/counterclaimant Great Midwest Insurance Company ("GMIC") jointly submit this letter motion in support of the enclosed Stipulation regarding GMIC's responses to Siemens' discovery requests ("Stipulation").

On October 10, 2023, Siemens served interrogatories and document requests ("Discovery Requests") on GMIC, and the responses were due by November 9, 2023. Siemens consented to extend the deadline to January 8, 2024, but GMIC has not yet responded to the Discovery Requests nor produced documents. Rather, the parties have been devoting resources to try to obtain a global resolution of this matter.

Notwithstanding settlement negotiations, which remain ongoing (another settlement conference with the Honorable Stewart D. Aaron, U.S.M.J., is tentatively scheduled for this week), on February 1, 2024, the parties met and conferred about GMIC's overdue responses and agreed upon the Stipulation, which provides that GMIC must serve responses and produce documents in response to the Discovery Requests by February 29, 2024. The parties believe that the Court's entry of the Stipulation will obviate the need for Siemens to move to compel

February 5, 2024

Page 2

responses to the Discovery Requests, thereby saving the Court and the parties the time and expense associated with motion practice. Accordingly, we respectfully request that the Court “so order” the Stipulation.

Respectfully,

/s/Eric J. Goldberg

Eric J. Goldberg

/s/ Michael R. Morano

Michael R. Morano

*Counsel for Plaintiff/
Counterclaim-Defendant*

Counsel for Defendant/Counterclaimant

Encl.

Application GRANTED. Defendant shall serve responses and produce documents in response to Plaintiff's October 10, 2023 interrogatories and document requests by **Thursday, February 29, 2024**.

Pursuant to the First Amended Civil Case Management Plan and Scheduling Order, “[a]ll fact discovery shall be completed no later than April 17, 2024” and “[a]ll expert discovery, including reports, production of underlying documents, and depositions, shall be completed no later than June 7, 2024.” ECF No. 27 at 2-3. The Court has already extended the time to complete discovery to “enable the parties to focus on settlement efforts[.]” See ECF No. 26 at 2. The Court expects the parties to abide by the schedule set forth in ECF No. 27; “[t]he fact and expert discovery deadlines will not be further extended absent extraordinary circumstances.” ECF No. 26 at 2.

The Clerk of Court is directed to terminate ECF No. 32. SO ORDERED.


Jennifer H. Rearden, U.S.D.J.
Dated: February 6, 2024